

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

**Susan Neese, M.D; James Hurly,
M.D.; and Jeffrey Barke, M.D.**, on
behalf of themselves and others similarly
situated,

Plaintiffs,

v.

Xavier Becerra, in his official capacity as
Secretary of Health and Human
Services; **United States of America**,

Defendants.

Case No. 2:21-cv-00163-Z

UNOPPOSED MOTION TO AMEND SCHEDULING ORDER

On May 11, 2022, the Court issued a scheduling order that establishes briefing deadlines for the soon-to-be-filed motions for summary judgment (ECF No. 35). The Court's order instructs the plaintiffs to file the reply brief in support of their motion for summary judgment on or before September 9, 2022, and their response to the defendants' cross-motion for summary judgment on or before September 16, 2022.

The plaintiffs respectfully ask the Court to allow the plaintiffs to file a single, consolidated brief that serves as both their reply brief in support of the plaintiffs' motion for summary judgment, as well as their response to the defendants' cross-motion. We expect the arguments in these briefs to be largely duplicative, and believe that judicial economy would be served by allowing the arguments to be presented in a single, consolidated brief rather than separate and repetitive filings. The plaintiffs therefore move to amend the Court's scheduling order so that it instructs the plaintiffs to file a combined brief that serves as both the reply brief in support of the plaintiffs' motion for summary judgment and the response to the defendants' cross-motion, and

to file that consolidated brief on or before September 16, 2022. The remaining deadlines in the Court's order of May 11, 2022, would be unaffected.

We have conferred with counsel for the defendants and they are unopposed to this request.

CONCLUSION

The motion to amend the Court's scheduling order of May 11, 2022, should be granted.

Respectfully submitted.

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*Counsel for Plaintiffs and
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Dated: May 14, 2022

CERTIFICATE OF CONFERENCE

I have conferred with Jeremy Newman, counsel for the defendants, and he informed me that the defendants are unopposed to this motion.

/s/ Jonathan F. Mitchell
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the Proposed Classes*

CERTIFICATE OF SERVICE

I certify that on May 14, 2022, I served this document through CM/ECF upon:

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